

REMARKS

Claims 2, 5, 10, 16, 18, 20, 34, 37, 39, 40, 50, 55, 56 and new Claims 57 to 69 are present.

Claims 37, 39, 40, 50, 55 and 56 are allowed.

Claims 2, 5, 10, 16, 18, 20 and 34 are rejected.

Reconsideration of the rejection of this application is respectfully requested in view of the above amendments and the following remarks.

Allowed Claim 39 has been amended to delete DP4 inhibitors from the antidiabetic agents and antiobesity agents claimed.

New Claim 69 covers the Examples 230 and 498 compounds and the disclosure at page 79, lines 28 to 37 and page 80, lines 1 to 5 in combination with a DP4 inhibitor. In essence, Claim 69 is encompassed by original Claims 37 and 39.

New Claim 57 depends from allowed Claim 55 and defines the compounds as disclosed in Examples 230 and 498.

New Claims 58 to 65 define the compounds of Examples 230 and 498 in combination with an antidiabetic agent or a cholesterol lowering agent. Basis is found in the Specification at pages 70 to 75 and allowed Claims 37, 39 and 40. In effect, Claims 58 to 65 are encompassed by allowed Claims 37, 39 and 40.

New Claims 66 and 67 define the compounds of Examples 230 and 498 in combination with an angiotensin II receptor antagonist irbesartan or losartan. Claims 66 and 67 are encompassed by allowed Claims 37, 39 and 40.

Claim 68 is based on the disclosure in Examples 230 and 498 and at page 15, lines 5 to 12, page 16, lines 1 to 4 and in original Claims 1, 34, 35, 27 and 29.

Claims 34, 2, 5, 10, 16, 18 and 20 are rejected under 35 U.S.C. §112, first paragraph.

Claim 34 is objected to by the Examiner in that it covers "any and all malignancies". Claim 34 has been amended to delete reference to malignancies.

Claims 34, 2, 5, 10, 16, 18 and 20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention.

The Examiner specifically objects to the phrases "early malignant" and "malignant disease." These terms have been deleted from the claims.

In view of the above, it is submitted that Claims 34, 2, 5, 10, 16, 18 and 20 as amended overcome all objections under 35 U.S.C. §112 and are in condition for allowance.

Inasmuch as the subject matter of new Claims 57 to 68 is essentially covered in allowed Claims 37, 39 and 40, it is believed that Claims 57 to 68 are in condition for allowance as well.

The remaining Claims 37, 39, 40, 50, 55 and 56 are allowed.

In view of the foregoing, it is believed that all claims present, namely, Claims 2, 5, 10, 16, 18, 20, 34, 37, 39, 40, 50, 55 and 56 and Claims 57 to 69 are in condition for allowance.

Respectfully submitted,

  
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Date: June 15, 2005